



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,293	12/18/2000	Christopher Thompson	9-13528-143US	2142
20988	7590	01/06/2005	EXAMINER	
OGILVY RENAULT 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A2Y3 CANADA			CHUONG, TRUC T	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/738,293
Filing Date: December 18, 2000
Appellant(s): THOMPSON ET AL.

Kent Daniels
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 24, 2004.

Art Unit: 2179

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

No amendment after final has been filed.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

1) Are claims 1-47, 49, 50, 3-58, 61 and 63-65 properly rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al. (U.S. Patent No. 5,793,365) in view of Klein et al. (U.S. Patent No. 5,995,492)? and

2) Is claim 48 properly rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al. (U.S. Patent No. 5,793,365) in view of Klein et al. (U.S. Patent No. 5,995,492), and further in view of Applicant Prior Art?

Art Unit: 2179

(7) Grouping of Claims

Group 1. Claims 1-46, and 49-62 stand or fall together as a group.

Group 2. Claim 47 stands alone.

Group 3. Claim 48 stands alone.

Group 4. Claims 63-65 stand or fall together as a group.

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,793,365	Tang et al.	Aug. 11, 1998
5,995,492	Klein et al.	Nov. 30, 1999
Applicant Prior Art	Specification	Page 32 lines 18-26

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-47, 49, 50, 53-58, 61, and 63-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al. (U.S. Patent No. 5,793,365) in view of Klein et al. (U.S. Patent No. 5,995,492).

As to claim 1, Tang teaches distributed application for facilitating collaboration between geographically-dispersed members of a team, comprising:

a collaboration services suite adapted to establish a communications session between two or more members of the team in response to a request from any one of the team members using dynamic presence and availability information respecting each team member (col. 3 lines 32-41, col. 4 lines 14-28, and fig. 3); and

a team member interface adapted to display the dynamic presence and availability information to each member of the team, and to enable a team member to request initiation by the collaboration services suite of a communications session with at least one other team member (figs. 1A-8);

although Tang mentions using telephones in his invention (col. 6 lines 47-50), Tang does not clearly show in details how each member of the team communicates over at least a Switched Telephone Network (STN). Klein clearly shows virtual switching point in a public switched telephone (col. 17 lines 64-67, col. 18 lines 1-28 and fig. 1) to switch from one telephone to a different telephone. It would have been obvious at the time of the invention that a person with ordinary skill in the art would want to have Klein's virtual switching feature in Tang's communication devices in order to provide an ultimate implementation when user can manually control virtual switches to avoid network congestion.

As to claim 2, Tang teaches a distributed application as claimed in claim 1 wherein the collaboration services suite maintains detailed information respecting team members and communications devices associated with team members, the detailed information being used to

Art Unit: 2179

initiate communications sessions on receipt of the request from any team member (user preferences, col. 8 lines 1-28 and figs. 1A-8, and col. 14 lines 40-52).

As to claim 3, Tang teaches a distributed application as claimed in claim 2 wherein the team member interface displays only graphical information respecting other team member's communications devices, and team members initiate a communications session without requiring knowledge of a device type, device location or device address of a communications device associated with another team member with which a communications session is established by the collaboration services suite (col. 3 lines 53-59).

As to claim 4, Tang teaches distributed application as claimed in claim 3 wherein the graphical information displayed by the team member interface is derived in part from an active profile for each team member (user preferences, col. 8 lines 1-28 and figs. 1A-8).

As to claim 5, Tang teaches a distributed application as claimed in claim 4 wherein the graphical information displayed by the team member interface is derived in part from the dynamic presence information obtained by determining the presence and state of communications devices specified in the active profile (col. 5, line 56-col. 6, line 13, and figs. 1A, 2, and 7).

As to claim 6, Tang teaches distributed application as claimed in claim 1 wherein the team member initiates the communications session by selecting a communications icon associated with a personal identifier that represents the at least one other team member (identification information, col. 11 lines 38-45, and a user logs on, col. 14 lines 64-66).

As to claim 7, Tang teaches a distributed application as claimed in claim 1 wherein the team member initiates the communications session by opening a communications session

Art Unit: 2179

initiation window, and dragging a personal identifier that represents the at least one other team member into a predetermined area of the window (drag and drop, col. 8 lines 29-51).

As to claim 8, Tang teaches a distributed application as claimed in claim 6 wherein the team member opens a communications session initiation window by performing an activation operation using a pointing device, after selecting the communications icon (point and click operations, col. 9 lines 1-5).

As to claim 9, Tang teaches a distributed application as claimed in claim 6 wherein the communications session initiation window permits the team member to optionally enter a topic to be discussed during the communications session (to update the cat room window with text or other data, col. 11 lines 49-55).

As to claim 10, Tang inherently teaches a distributed application as claimed in claim 9 wherein the communications session initiation window further permits the team member to optionally enter an invitation message related to the communications session because Tang's operation environment uses video, audio, microphone, email, and the like in communications between team members (col. 13 lines 5-12, col. 14 lines 15-18, and figs. 3, 5-6, and 8); therefore, users can setup to send invitation messages by email or by other communication devices to team members whenever new messages or important news have arrived.

As to claim 11, Tang teaches a distributed application as claimed in claim 9 wherein the communications session initiation window further permits the team member to attach meeting notes input during the communications session (message, col. 8 lines 52-56).

As to claim 12, Tang teaches a distributed application as claimed in claim 6 wherein a start communications session message is sent to the collaboration services suite when the team

Art Unit: 2179

member performs a selection to begin the communications session (enter a chat room, col. 9 lines 6-21).

As to claim 13, Tang teaches a distributed application as claimed in claim 12 wherein the message sent to the collaboration services suite is received by a connection manager that is adapted to initiate the communications session in response to the message received from the team member (col. 9 lines 6-55).

As to claim 14, Tang teaches a distributed application as claimed in claim 13, wherein the message comprises at least one of:

information indicative of a type of communications session to be initiated (topic, col. 9 lines 38-62, and fig. 9); and

Tang inherently shows a personal identifier associated with the at least one other team member invited to join the communications session because Tang's operating environment uses video, audio, microphone, email, and the like in communications between team members (col. 13 lines 5-12, col. 14 lines 15-18, and figs. 3, 5-6, and 8); therefore, users can setup the email to send new messages or important news arrive to all other teams (or new teams) throughout a Network.

As to claim 15, Tang teaches a distributed application as claimed in claim 6, wherein selecting a communications device associated with the other team member is accomplished by selecting one of a plurality of communications icons using one or more of:

information indicative of one of a voice, text or multi-media type of communications session (col. 13 lines 5-12, col. 14 lines 15-18, and figs. 3, 5-6, and 8); and

preference information provided by the other team member and indicative of one or more preferred communications devices to be used for communications sessions (col. 13 lines 1-12, col. 14 line 18 and fig. 3).

As to claim 16, Tang teaches a distributed application as claimed in claim 1, wherein the collaboration services suite maintains a session record including session information related to respective communications sessions (A chat room database, col. 11 lines 37-57).

As to claim 17, Tang teaches a distributed application as claimed in claim 16, wherein the session information comprises at least one of:

a participant record identifying each team member participating in the communications session; and a topic of the communications session (figs. 3, 5, and 7-8).

As to claim 18, Tang teaches a distributed application as claimed in claim 16, wherein the team member interface is adapted to enable a team member to interact with the collaboration services suite to mark the communications session as either one of a public and a private communications session (level of privacy each worker desires, col. 5 lines 36, and only see a limited set of information, col. 10 lines 25-36).

As to claim 19, Tang teaches a distributed application as claimed in claim 17, wherein the team member interface is adapted to display at least a portion of the session information respecting each public communications session to every member of the team (fig. 5).

As to claim 20, Tang teaches a distributed application as claimed in claim 17, wherein the team member interface is adapted to display at least a portion of the session information respecting a private communications session to only those members of the team who are

Art Unit: 2179

participants in the private communications session (all group members share a common base of information, col. 10 lines 44-50).

As to claim 21, Tang teaches a distributed application as claimed in claim 16, wherein the respective session record is archived following completion of the communications session (fig. 9).

As to claim 22, Tang teaches a distributed application as claimed in claim 1, wherein the collaboration services suite is adapted to facilitate exchange of text messages between team members participating in a communications session (figs. 5 and 8).

As to claim 23, Tang teaches a distributed application as claimed in claim 1, wherein a session window of the team member interface displays for each public communications session at least one of:

a team identifier; a discussion topic; and a personal identifier associated with each party to the communications session (identification information, col. 11 lines 38-45, a user logs on, col. 14 lines 64-66, and figs. 1A, 2, 4, 5, 8, and 9).

As to claim 24, Tang teaches a distributed application as claimed in claim 1, wherein a archive record is stored each time a communications session is terminated and the archive record comprises at least one of:

a communications session type; a team identifier; a discussion topic; a personal identifier associated with each party to the communications session (see claim 23 above);

a session start and stop time; a session identification number; and

any text messages exchanged between the parties during the communications session (col. 7 lines 29-55, and see claim 23 above).

Art Unit: 2179

As to claim 25, Tang teaches a distributed application as claimed in claim 24 wherein the personal identifier is a team member identifier if the party is a team member (col. 7 lines 35-42).

As to claim 26, Tang teaches a distributed application as claimed in claim 1, wherein the collaboration services suite is adapted to track each communications session, and to store an address of a preferred text communications device associated with each team member that is a participant in the communications session, so that text messages associated with the communications session are forwarded to the preferred text communications device of each participant (figs. 5-6).

As to claim 27, Tang teaches a distributed application as claimed in claim 26, wherein the selected text communications device is selected using preference information provided by the respective team member to the collaboration services suite (a communications server, col. 8 lines 1-28).

As to claim 28, Tang teaches a distributed application as claimed in claim 22, wherein the collaboration services suite is adapted to:

receive a text message from a party in a communications session; and forward the text message to the respective text communications device associated with each party to the communications session (col. 8 lines 1-28).

As to claim 29, Tang teaches a distributed application as claimed in claim 28, wherein the party information further comprises a class identification designating respective parties as one of a participant and a monitor of the communications session (monitor window and activity, col. 14 line 59-col. 15 line 29).

Art Unit: 2179

As to claim 30, Tang teaches a distributed application as claimed in claim 29, wherein the collaboration services suite is adapted to forward to each party to the communication session any text message related to the communications session that is received from a participant in the communications session, and to discard any text message related to the communications session that is received from a monitor of the communications session (relevant to the topic, col. 9 lines 37-67).

As to claim 31, Tang teaches a distributed application as claimed in claim 22, wherein the collaboration services suite is further adapted to enable a new party to join the communications session (col. 9 lines 6-24).

As to claim 32, Tang teaches a distributed application as claimed in claim 31, wherein, when the new party is a member of the team, the collaboration services suite is adapted to enable the new party to join the communications session as either a monitor or a participant (col. 9 lines 22-31).

As to claim 33, Tang teaches a distributed application as claimed in claim 32, wherein, when the communications session is a public communications session, the team member interface is adapted to enable a team member to join the public communications session as the new party, independently of an invitation from any existing party to the public communications session (join the discussion, col. 9 lines 1-21).

As to claim 34, Tang teaches a distributed application as claimed in claim 33, wherein, when the team member joins the public communications session as a participant, the collaboration services suite is adapted to forward a an announcement to each of the parties to the

Art Unit: 2179

public communications session to advertise of the presence of the new party (col. 9 line 56-col. 10 line 36).

As to claim 35, Tang teaches a distributed application as claimed in claim 31, wherein the collaboration services suite is adapted to receive an add-message from an existing party to the communications session, the add message containing at least information identifying the new party, and to forward an invitation message to the identified new party inviting the new party to join the communications session (this is a combination of claims 33-34).

As to claim 36, Tang teaches a distributed application as claimed in claim 35, wherein the invitation message comprises at least at one of:

- an identifier of the team member who sent the invitation;

- a topic of the communications session;

- a message related to the discussion;

- a list of participants in the communications session; and

- a list of invitees to the communications session (this is a combination of claims 14, 25, and 26).

As to claim 37, Tang teaches a distributed application as claimed in claim 35, wherein the team member interface is adapted to enable the new party to send a response message to the collaboration services suite in response to the invitation (Note the rejection of claim 14 above).

As to claim 38, Tang teaches a distributed application as claimed in claim 37, wherein the response message comprises any one of:

- a decline message indicating that the new party wishes to decline the invitation; a join message indicating that the new party wishes to join the communications session; and a deferral

Art Unit: 2179

message indicating that the new party wishes to join the communications session at a later time (Note the rejections of claims 14 and 37 above respectively).

As to claim 39, Tang teaches a distributed application as claimed in claim 38, wherein, when the response message is a decline message, the collaboration services suite is adapted to forward an invitation declined message to the existing party from which the add-message was received (Note the rejections of claim 14 above).

As to claim 40, Tang teaches a distributed application as claimed in claim 38, wherein, when the response message is a join message, the collaboration services suite is adapted to add the new party to the communications session and to notify each party to the communications session that the new party has joined the communications session (workers outside of the current worker's workgroup, col. 10 line 51-col. 11 line 3, and figs. 8-9).

As to claim 41, Tang inherently teaches a distributed application as claimed in claim 38, wherein, when the response message is a deferral message, the collaboration services suite is adapted to advise the existing parties to the communications session of the deferral because Tang's operating environment uses email and the like in communications between team members (col. 13 lines 5-12, col. 14 lines 15-18, and figs. 3, 5-6, and 8); therefore, users can setup the email to send new messages, invitation, meeting request or important news arrive to all other teams (or new teams) throughout a Network, and the sender (organizer of the meeting) will receive replications, which indicate accepting, rejecting, or deferring informations, from the team members (including new members).

As to claim 42, Tang teaches a distributed application as claimed in claim 1, wherein the collaboration services suite is adapted to facilitate voice communications sessions between parties to the communications session (col. 13 lines 5-12, col. 14 lines 15-18, and fig. 3).

As to claim 43, Tang teaches a distributed application as claimed in claim 42, wherein communications session information displayed on the team member interface comprises at least one of:

an identifier associated with the team; a personal identifier associated with each party participating in the communications session; text information describing a session topic (figs. 5, and 8-9);

a record of one or more meeting notes entered by each party to the communications session; and a record of documents shared by the parties to the communications session (A chat room database, col. 11 lines 37-57).

As to claim 44, Tang teaches a distributed application as claimed in claim 43, wherein the session topic is defined by a team member at a time of initiation of the communications session (fig. 9).

As to claim 45, Tang teaches a distributed application as claimed in claim 42, wherein the collaboration services suite is adapted to establish a voice communications session between the parties to the communications session (col. 13 lines 5-12, col. 14 lines 15-18, and fig. 3).

As to claim 46, Tang teaches a distributed application as claimed in claim 45, wherein the voice communications session comprises a two-party voice communications session between first and a second voice communications devices respectively associated with first and second parties to the communications session (voice and video conference, col. 8 lines 1-28, and fig. 3).

Art Unit: 2179

As to claim 47, Tang teaches a distributed application as claimed in claim 46, wherein each of first and second voice communications devices have respective unique addresses, and the collaboration services suite comprises a virtual switching point adapted to:

establish a call connection between a first service switching point (SSP) in a switched telephone network (STN) and the first voice communications device; establish a call connection between the first SSP and a second SSP in the STN; and establish a call connection between the second SSP in the STN and the second voice communications device to enable voice communications between the first and second voice communications devices (col. 14 lines 40-58).

As to claim 49, Tang teaches a distributed application as claimed in claim 46, wherein each of first and second voice communications devices have respective unique extension numbers (machine identifier, col. 12 lines 17-60) on an enterprise network connected to the switched telephone network (STN) via a private branch exchange (PBX) (communication server 80, col. 12 line 61-col. 13 line 12), and the collaboration services suite sends a connection request message to the PBX to establish a two-party call connection between the first and second voice communications devices within the enterprise network (col. 14 lines 40-58).

As to claim 50, Tang teaches a distributed application as claimed in claim 45, wherein the voice communications session comprises a multi-party voice communications session between three or more voice communications devices respectively associated with three or more parties to the communications session (col. 13 lines 5-12, col. 14 lines 15-18, and figs. 3, 5-6, and 8).

As to claim 53, Tang teaches a distributed application as claimed in claim 43, wherein the collaboration services suite is adapted to enable a new party to join the communications session (to add or remove a user, col. 11 lines 37-58).

As to claim 54, Tang teaches a distributed application as claimed in claim 53, wherein, when the communications session is a public communications session, the team member interface is adapted to enable a team member to join the public communications session as the new party, independently of an invitation from any existing party to the public communications session (join the discussion, col. 9 lines 1-21).

As to claim 55, Tang teaches a distributed application as claimed in claim 53, wherein the collaboration services suite is adapted to:

receive an add-message from an existing party to the communications session, the add message containing at least information identifying the new party; and forward an invitation message to the identified new party (col. 8 lines 1-28).

As to claim 56, Tang teaches a distributed application as claimed in claim 38, wherein, when the response message is a join message, the collaboration services suite is adapted to:

add party information identifying the new party to the session display (to add or remove a user, col. 11 lines 37-58); and

notify each team member involved in the communications session that the new party has joined the communications session (see claim 35 above).

As to claim 57, Tang teaches a distributed application as claimed in claim 38 wherein, when the response message is a deferral message, the collaboration services suite is adapted to forward the deferral message to the existing party from which the add-message was received.

As to claim 58, Tang teaches a distributed application as claimed in claim 53, wherein the communications session comprises an existing two-party voice communications session between first and a second voice communications devices respectively associated with first and second parties to the voice communications session, and the collaboration services suite is adapted to convert the two-party voice communications session into a multi-party voice communications session (see claim 41 above).

As to claim 61, Tang teaches a distributed application as claimed in claim 53, wherein the communications session comprises an existing multi-party communications session using a conference bridge to connect at least three voice communications devices respectively associated with existing parties to the communications session, and the collaboration services suite is adapted to join the new party to the existing multi-party communications session (col. 13 lines 5-12, col. 14 lines 15-18, and figs. 3, 5-6, and 8).

As to claim 63, Tang teaches a distributed application for facilitating collaboration between geographically-dispersed members of a team, comprising:

a collaboration services suite adapted to establish a multi-media communications session between two or more members of the team in response to a request from any one of the team members using a data network to enable an exchange of video content between data terminals of team members involved in the multi-media communications session (Tang's operating environment uses email and the like in communications between team members (col. 13 lines 5-12, col. 14 lines 15-18, and figs. 3, 5-6, and 8); therefore, users can setup the email to send new messages, invitation, meeting request or important news arrive to all other teams (or new teams) throughout a Network, and the sender (organizer of the meeting) will receive replications, which

Art Unit: 2179

indicate accepting, rejecting, or deferring informations, from the team members (including new members); and

a switched telephone network (note the rejection of claim 1 above for STN) to enable exchange of voice content of the multi-media communications session between voice communications devices of the team members involved in the multi-media communications session (col. 13 lines 5-12, col. 14 lines 15-18, and figs. 3, 5-6, and 8).

As to claim 64, Tang teaches a distributed application as claimed in claim 63 wherein the distributed application is further adapted to supply each data terminal with a data address of each other data terminal involved in the multi-media communications session to enable automatic setup the exchange of the video data (col. 7 line 65-col. 8 line 28, and col. 3 line 59-col. 4 line 14).

As to claim 65, Tang teaches a distributed application as claimed in claim 63 wherein the distributed application further enables an exchange of at least one of documents and applications during the multi-media session (col. 3 line 59-col. 4 line 14).

3. Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al. (U.S. Patent No. 5,793,365) in view of Klein et al. (U.S. Patent No. 5,995,492), and further in view of Applicant Prior Art (APA).

As to claim 48, the modified system of Tang teaches a distributed application as claimed in claim 47 wherein the call is connected between the first and second voice communications devices (see claim 47 above); however, the modified system of Tang does not teach that the call connection between the first and second voice communications devices is completed in part over

Art Unit: 2179

first and second Enhanced Integrated Services Digital Network User Part (E-ISUP) trunks in the STN. APA clearly states “the VSP 60 is adapted to interact with one or more Integrated Services Digital Network User Port (ISUP) trunk groups referred to enhanced ISUP (E-ISUP) trunks 62 to control the set up of call connections through the PSTN 48. This functionality is utilized by the collaboration services suite 2 to enable the establishment of multi-way communications sessions through a conventional conference bridge 64” is known in the art (Specification, page 32 lines 18-26). It would have been obvious at the time of the invention that the E-ISUP of APA could have been implemented in the modified communication environment of Tang, so that the system can be used to process a variety of connected sources throughout the Network.

(11) *Response to Argument*

I. In response to Appellant’s argument to Claim 1:

Appellant has argued that Tang fails to teach or suggest that the system can support communications over a Switched Telephone Network (STN) as claimed. The Examiner strongly disagrees with the Appellant because Tang clearly teaches the usages of email, chat, Instant Messaging, audio/video conference, and also telephone use (e.g., col. 6 lines 47-59, and col. 8 lines 8-14), and the system automatically switches to other available devices if the current application device is not available to that user (e.g. col. 14 lines 45-51), and each computer or device of the workgroup members must be connected to the network such as LAN, WAN, and the Internet to be able to communicate with others throughout the Network (e.g. col. 11 lines 5-57). Based on those strongly supported evidences as stated above, Tang clearly suggests the usage of telephone lines for connecting the users with the Network in the invention. It is also

Art Unit: 2179

well known in the art that client computers are coupled to the Internet through computer's modems which connect to telephone lines, and the telephone lines must connect to Public Switch Telephone Network (PSTN) (including service switching point (SSP) or a virtual switching point) which provides access to Internet providers such as AOL, Netcom, Netzero, etc. via the telephone lines; therefore, the Examiner strongly agrees that Tang clearly teaches and suggests using telephone lines in the invention, and the Switch Telephone Network of Klein is just bringing more detail evidences showing the usage/connection between the telephone lines and the Network. It would have been obvious at the time of the invention, a person with ordinary skill in the art would want to modify the communication system of Tang to provide an ultimate implementation when user can manually/automatically control the switches to the telephones having the best received signals mentioned as the main invention of Klein (Klein, Abstract, col. 7 lines 34-46, and fig. 1); moreover, Klein clearly teaches the switch control features can be modified on a keypad of a telephone (virtual switches on a telephone, col. 17 line 64-col. 18 line 27) to switch/change and transfer of a conventional land-based telephone.

II. In response to Appellant's argument to Claim 47:

Appellant has argued that the Examiner has made no attempt to show how the cited reference expressly or impliedly suggests the claimed invention, and either Tang or Klien mentions a virtual switching point or SSP in of the STN. The Examiner does not agree. Claim 47 is depended on 46, 45, 42, and independent claim 1 which means that claim 47 includes all of the limitations of the base claim and any intervening claims; and the system of Tang in view of Klien (the modified of Tang) inherently shows all features such as the virtual switching point, the

Art Unit: 2179

SSP, or the Switch Telephone Network (STN) as clearly mentioned in the rejection of claim 1 and the Examiner's answer of Claim 1 above.

III. In response to Appellant's argument to Claim 48:

Appellant has argued that the Tang's communication devices in view of the Klein's switching features of telephone and the Applicant Admitted Prior Art (APA) show no suggestion to combine or motivation. The Examiner does not agree. APA clearly states "the VSP 60 is adapted to interact with one or more Integrated Services Digital Network User Port (ISUP) trunk groups referred to enhanced ISUP (E-ISUP) trunks 62 to control the set up of call connections through the PSTN 48. This functionality is utilized by the collaboration services suite 2 to enable the establishment of multi-way communications sessions through a conventional conference bridge 64" is known in the art (Specification, page 32 lines 18-26). The Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, APA has admitted that the features are well known; therefore, it would have been obvious at the time of the invention that the E-ISUP of APA could have been implemented in the modified communication environment of Tang, so that the system can be used to process a variety of connected sources throughout the Network.

Art Unit: 2179

IV. In response to Appellant's argument to Claim 63:

Appellant has argued that the Examiner has not attempted to show any relationship between the references when combining them. The Examiner strongly disagrees with the Appellant because Tang clearly teaches the usages of email, chat, Instant Messaging, audio/video conference, and also telephone use (e.g., col. 6 lines 47-59, and col. 8 lines 8-14), and the system automatically switches to other available devices if the current application device is not available to that user (e.g. col. 14 lines 45-51), and each computer or device of the workgroup members must be connected to the network such as LAN, WAN, and the Internet to be able to communicate with others throughout the Network (e.g. col. 11 lines 5-57). Based on those strongly supported evidences as stated above, Tang clearly suggests the usage of telephone lines for connecting the users with the Network in the invention. It is also well known in the art that client computers are coupled to the Internet through computer's modems which connect to telephone lines, and the telephone lines must connect to Public Switch Telephone Network (PSTN) (including service switching point (SSP) or a virtual switching point) which provides access to Internet providers such as AOL, Netcom, Netzero, etc. via the telephone lines; therefore, the Examiner strongly agrees that Tang clearly teaches and suggests using telephone lines in the invention, and the Switch Telephone Network of Klein is just bringing more detail evidences showing the usage/connection between the telephone lines and the Network. It would have been obvious at the time of the invention, a person with ordinary skill in the art would want to modify the communication system of Tang to provide an ultimate implementation when user can manually/automatically control the switches to the telephones having the best received signals mentioned as the main invention of Klein (Klein, Abstract, col. 7 lines 34-46, and fig. 1);

Art Unit: 2179


moreover, Klein clearly teaches the switch control features can be modified on a keypad of a telephone (virtual switches on a telephone, col. 17 line 64-col. 18 line 27) to switch/change and transfer of a conventional land-based telephone.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Truc T. Chuong
Patent Examiner, AU 2179
December 22, 2004

Conferees
SPE. Joseph Feild
Appeal Panel Member


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER


JOSEPH FEILD
SPE. Heather Herndon, AU 2179
SUPERVISORY PATENT EXAMINER

Ba Huynh
Primary Examiner, AU 2179


BA HUYNH
PRIMARY EXAMINER

OGILVY RENAULT
1981 MCGILL COLLEGE AVENUE
SUITE 1600
MONTREAL, CANADA H3A2Y3